62171

Date: 8/5/99 4:07 PM
Sender: <David.Kline@IFLYATA.COM>
To: 9-NPRM-CMTS
Priority: Normal
Subject:FW: Response to Notice No. 99-02/ Docket No. FAA-1999-5401 -

> -----Original Message-----
> From: David Kline
> Sent: Thursday, August 05, 1999 1:51 PM
> To: '9-NPRM-CMYS@faa.gov'
> Subject: Response to Notice No. 99-02/ Docket No. FAA-1999-5401 -
> Returned Mail
>
> Attention: Rules Docket No. FAA-1999-5401
>
> The attached file is American Trans Air's (ATA's) response to the subject
> NPRM. ATA realizes that the comments were to have been received by
> 8/2/99, however the first e-mail of these comments was received back as
> undelivered e-mail. ATA request consideration of these comments since
> final comment date has not been approved by the OMB and posted in the
> federal register. ATA will deliver the comments in triplicate with this
> message via certified mail or carrier.
>
> Sincerely
> David C. Kline
> Director of Engineering
> American Trans Air
> (317) 282-5713 tel
> (317) 282-5709 fax
> David.KLine@iflyata.com (e-mail)
>
> <<NPRMAG~1.doc>>
>

NPRMAG-1 doc RFC822 TXT

August 0 1, 1999

Attention : Rules Docket
U.S. Department of Transportation Dockets,
Docket No. FAA- 1999-540 1
400 Seventh St.,SW, Room Plaza 401
Washington, DC 20590
Sent Via: e-mail address 9-NPRM-CMTC@faa.gov

References:
1. [Federal Register: April 2, 1999 (Vol. 64, Number 63)] page 16297-16320 [Docket No. FAA-1999-540 1; Notice No. 99-02] Titled: Aging Airplane Safety; Proposed Rules
2. [Federal Register: October 5, 1993 (Vol. 58, Number 191)] page 5 1944 [Docket No. 26718; Notice No. 93-14] Titled: Aging Airplane Safety; Proposed Rules
3. [Federal Register: January 12, 1998 (Vol. 63, Number 1)] page 125-136 [Docket No. 29104; Notice No. 97-16] Titled: Repair Assessment for Pressurized Fuselages; Proposed Rules

Attention: Rules Docket No. FAA- 1999-540 1,

American Trans Air (ATA) is taking the opportunity in this correspondence to provide comments on and afforded by the reference 1, proposed rulemaking.

ATA understands the unique position that the "Aging Aircraft Act of 1991", public law 102- 143, places the Federal Aviation Administration (FAA) in. While ATA understand that this law tasks the agency with enacting aging aircraft inspections and reviews of each aircraft operated in air transportation, the proposed rule and procedures simply replicate another layer of requirements onto existing regulatory requirements. The FAA received similar comments from the reference 2, proposed rulemaking and after further review withdrew the notice in favor of the reference 1 rulemaking. While this new proposal addressed other concerns involving Supplemental Inspection Programs (SIPs) based on damage-tolerance inspection criteria, the issue of current (existing) regulatory requirements already covering the intent of Public Law 102- 143 and authority given the FAA in surveying these requirements is not addressed. This proposal seems to disregard all of the regulatory activity involved in aging aircraft prior to and since 1991 (Airworthiness Directives for Aging structure inspections, modifications, SIPs, Corrosion Prevention Control Programs, etc.) and the existing requirements to record and show compliance for this activity. As stated above the industry and FAA have made significant progress since the April 1988, accident involving a high-cycle Boeing 737, which suffered major structural damage in-flight, induced by corrosion and fatigue cracking. Much of this work was in progress or completed prior to the "Aging Aircraft Act of 1991". For these reasons and the comments that follow ATA believes this rulemaking is unduly burdensome for air carriers and the FAA.

The proposed rulemaking asserts that "Damage-tolerance based inspection procedures would be required on all affected airplanes no later than December 20, 20 10." There are exceptions in that certain aircraft identified in the identified appendixes of the operating rules would be allowed to continue operation in air carrier service past the above date and without damage-tolerance based inspection programs until the aircraft reached the published Design-Life Goals in the appendix. It is ATAs belief that under the proposed rulemaking this places an undue burden and unleveled approach to air carriers who operate large transport aircraft. Manufacturers establish Design-Life Goals during the type certification process. These goals may be based on flight hours, flight cycles, years or all of these components. These have historically been used to establish damage-tolerance based SIPs with the fatigue related component (flight cycles) as the implementation point. Similarly, corrosion related programs have been historically based on the age related component (years). This proposal on the other hand tries to address fatigue related components by mandating that programs be implemented based on age as a component of time (December 20. 20 10). This is in direct conflict with existing rulemaking (727 SSI, etc.), which recognizes that there is no need to implement SIPs based on the age related component and mandates that these programs be implemented prior to reaching the flight cycle design-goals. Similarly, the Boeing 737 Type Certificate Data Sheet A16WE, note 7, states

that the 737 Supplemental Structural Inspection Document (Boeing's SIP Document) will be revised to include 737-300, -400 & -500 aircraft at a time to be determined by FAA engineering. These aircraft would be required to have SIPs incorporated within 4 years of the effective date of this rulemaking. In the case of the 737-500 many of these aircraft are less than 10 years of age and as stated above not included in the current 737 SSID document mandated by airworthiness directive 98-11-04. ATA would recommend that the FAA utilize the existing criteria for implementing SIPs in this rulemaking and provide this criteria in the form of appendixes to the operating rules for all aircraft affected which extend the compliance time for implementing SIPs to the same criteria (flight cycle, Design-life goals).

The proposed rulemaking stipulates that FAA - approved major structural repairs should be analyzed to ensure that damage-tolerant based inspections and procedures address each airplane effected by this proposal. This requirement does not limit itself to major repairs of significant structural items identified in damage-tolerant SIPs and excludes the current Repair Assessment Program (RAP) criteria established and proposed in the reference 3 rulemaking. Again, the criteria would be a redundant requirement for those areas covered by other regulatory existing or proposed mandates (SSI Airworthiness Directives, RAP NPRM, etc.). This is unduly burdensome and in practical working terms will call all repairs into question during the inspections proposed in this rulemaking. The FAA is well aware of the continuing controversy over major and minor repairs and their associated criteria for classifying, recording, reporting, and maintaining. Many of these controversial subjects have resulted in Aviation Rulemaking Advisory Committee (ARAC) working groups being formed, without subsequent resolving actions taking place. Despite this awareness the FAA proposes to mandate these same issues as part of the inspections and record reviews listed in this proposed rulemaking. This is of particular concern in relation to several aspects of the proposed rule (§ 12 1.368) which are not required to be maintained or transferred under existing rules (§ 12 1.380 and § 12 1.380a) or use new terminology not reflected in the current rules. While air carriers are currently required to provide a listing of Major alterations to airframe, engine, propeller, and appliance, there is no requirement to segregate these into "major structural alteration" as proposedin the new rule. Similarly, the conflict in major versus minor repairs and the differing interpretations involving FAR Subchapter A, Part 1.1 "definitions" and FAR Subchapter B, Part 43 and appendix A to this part, will undoubtedly result in the same conflicts that arose during the ARAC working group, albeit at a much larger scale. These comments pertain to both the applicable sections of the proposed rule and the draft advisory circular 120-XXX.

The portion of the proposed rulemaking which directs both the interval for implementing the first inspections (proposed FAR § 12 1.368) after the effective date of the rulemaking and the repetitive interval should be evaluated by the FAA to lessen the impact on the air carrier industry. The tirst inspection after rulemaking should be initiated at the later of five years from the effective date of the final rule'or the next Heavy Maintenance Visit (HMV), regardless of the age of the aircraft. While ATA is aware of the reference background provided in the proposed rulemaking from the Air Transport Association, concerning the recommendation of 5 year intervals for rulemaking efforts, ATA believes that air carriers should have these inspections and reviews performed in association with HMV activity to lessen the impact of these inspections. Air carriers have implemented various different maintenance schedules into their continuous airworthiness maintenance programs that might conflict with the 5-year interval proposed. To resolve this, the FAA could define HMVs as the highest level maintenance visit listed in the air carriers continuous airworthiness maintenance program as listed in the time limitation section of their operation specification pages.

The portion of the proposed rulemaking describing the assumptions for the cost impact of the inspections and record review are believed to be underestimated in several areas. While substantive comments are not included, the obvious concern to air carriers is in the ability of the FAA to support the inspections of large transport size aircraft in the manner proposed in this rule. Based on an air carrier's fleet, with only as many as forty aircraft that would be required to be inspected and have their records reviewed every five years, the effect to both the FAA and operators should be obvious. The inspections of aircraft and their records will add significant workload to the FAA and air carriers. The cost analysis based on air carriers preparing records for the FAA does not include the time spent by air carriers during the record review and inspections. In reality, air carriers not only have to prepare the aircraft and records, they then begin the support role during these inspections and reviews. This role is at least the same amount of time required for the FAA to perform the inspections and reviews and in many cases will eclipse that time in

researching and answering the inspector's or designee's questions. While the FAA has proposed to allow the use of designated airworthiness representatives (DARs) in performing these inspections, the costs and availability of these designees is understated. The current availability of existing FAA inspectors and DARs to meet the proposed rule is not considered and included in this proposal. ATA believes that the FAA should review whether these types of inspections and records reviews could be designated to Organizational Designated Airworthiness Representatives (ODARs).

Specific comments on rules – (similar comments would apply to the other operating rules of this proposal)
Sec. 121.368(a)
The term "age-sensitive parts and components" should be stricken from this section and replaced with a definitive term. There is no specific language in public law 102- 143 that requires the FAA to make this broad definition. The background and content of the proposal is centered around fatigue imposed on structural significant items of the airframe and this section should define that intent.
Sec. 12 1.368(b)
As stated previously, ATA does not believe that the age of the aircraft should be specified when fatigue is related to flight cycles, which are already established in the design-life goals of transport category aircraft.
Sec 12.368(c)
As stated previously, ATA does not believe that several of the requirements listed are currently required to be transferred under FAR § 121.380a, or use terminology not consistent with that part. The requirement for a Corrosion Prevention and Control Program (CPCP) to be recorded is one example of this. CPCPs that are mandated by airworthiness directives would be required to be recorded, but not a basic CPCP. Any new requirements should drive changes to FAR § 12 1.380 & FAR § 121.380a.
Sec. 121.370a
As stated previously, ATA believes the FAA should include in the appendix to this part any aircraft that has design life goals established for flight cycles and afford them the same opportunities to develop SIPs based on those goals. ATA further believes that the FAA should consider providing another appendix to this part that shows aircraft that have existing FAA approved SIPs released that are considered acceptable in meeting the requirements of this rulemaking

While the FAA has stated that they will provide guidance and training to their personnel on how to perform the requirements of these inspections, ATA believes that the industry should be involved in establishing or reviewing these efforts. Issues on how aircraft will be inspected and the associated records reviewed, when the two are not located together, will undoubtedly derive conflict on how this should be accomplished. Air carriers should not be required to move the associated records to the aircraft or bring aircraft to the records.

ATA may wish to provide further comments on this proposal when the final comment date approved by the OMB and the FAA publishes a notice in the federal register of this approval and expiration date.

Should you have any questions in regards the comments or statements provided, please contact me directly.

Sincerely,
Original Signed by

David Kline
Director of Engineering
(317) 282-5713 Tel
(3 17) 282-5709 Fax
david.kline@iflyata.com (email)

CC: L. Swope (FAA IND FSDO)
R. Marlar
G. Prendergast

J. Withner
M. Cleary
E. Guclu